REMARKS

Status of the Claims

Upon entry of the amendment above, claims 1-16 and 18-52 will be pending, claims 1, 15, 46, and 50 being independent.

Summary of the Office Action

Claims 1 and 5-14 are rejected under 35 USC §103(a) as being unpatentable over European Patent Publication No. 0 575 130 (EP '130) in view of ELLIS (U.S. Patent No. 3,514,798).

Claims 2 and 4 are rejected under 35 USC §103(a) as being unpatentable over EP '130 in view of ELLIS and WOJCIK (U.S. Patent No. 5,807,152) and MASTERS (U.S. Patent No. 4,681,060).

Claim 3 is rejected under 35 USC §103(a) as being unpatentable over EP '130 in view of ELLIS and MASTERS.

Claims 15, 16, and 18-28 are rejected under 35 USC §103(a) as being unpatentable over ITNYRE et al. (U.S. Patent No. 6,800,006) in view of ELLIS.

Claim 17 is rejected under 35 USC §103(a) as being unpatentable over ITNYRE and MASTERS.

Response to the Office Action

A. Summary of the Amendment

In the amendment above, Applicants have amended paragraph 0017 regarding a matter of form, referring to the front end of the board as the "nose."

In addition, Applicants have amended paragraph 0039 to provide antecedent basis for terminology used in new claims 31-33, 35, *viz.*, that the foam of the longitudinal partition of the aquatic gliding board of the invention, in particular

embodiments, is *continuous* along its height and/or width of the foam, as shown, for example, in Figs. 7 and 14. In Fig. 7, although the partition includes inner shell layers 13, 14, the foam of the partition 11 extends continuously from one side to the other and from top to bottom. The same attributes are shown in Fig. 14, although no inner shell layers border the sides of the partition.

The end of paragraph 0063 has been amended to clarify that the ability of the deck of the board to deflect under the foot of the user not only is not due to any ability of foam of the casing of the board to compress, but that it is the ability of the foam of the partition to compress.

Similarly, a sentence has been added to the end of paragraph 0064 to mention, with regard to an embodiment shown in Fig. 14, *e.g.*, that the elastic/viscoelastic properties of the foam determine the nature of the response to pressure applied to the deck of the board, *i.e.*, when there is no structural lining along the sides of the partition(s) or even along a majority of the height of such partition(s).

Paragraph 0068 of the specification and a number of dependent claims have been amended to change "a polypropylene expanded particle foam" to "an expanded polypropylene particle foam." The meaning of both is intended to be the same, as explained in the specification.

Original claims 1, 15, and 16 have been amended and new claims 29-52 have been added. The subject matter of claim 17 has been incorporated into parent claim 15, claim 17 being canceled.

Upon entry of the amendment, claims 1-16 and 18-52 will be pending, with claims 1, 15, 46, and 50 being independent.

New independent claims 46 and 50 specify that the upper half-shell/deck of the aquatic board of the invention is adapted to support a standing person during use of the board, such board encompassing, for example, surfboards, sailboards, waveboards, etc. Original independent claims 1 and 15 have been similarly amended.

In addition, independent claim 15 has been amended to specify that the material of the partition is a polymeric foam material having a compressible elasticity or viscoelasticity.

Further, independent claim 1 has been amended to include the limitation "said longitudinal partition consists essentially of foam." The significance of this limitation is further discussed below.

Likewise, new claim 34, which depends from independent claim 15, includes such limitation, as does new independent claim 46.

In the final subparagraph of independent claim 15, Applicants have introduced somewhat minor amendments. In addition, claim 15 has been amended to clarify that the deck is allowed to deflect elastically downwardly and to be caused to recover upwardly upon cessation of pressure exerted by the foot of the user.

In dependent claims 3 and 4, the elastic foam is further defined as "providing said upper half-shell with an ability to deflect relative to said lower half-shell under pressure exerted by a foot of the user ...."

Claim 16, which depends from independent claim 15, has been amended to delete subject matter that has been incorporated into independent claim 15.

No prohibited new matter is believed to have been added by the entry of the amendment.

B. Withdrawal of §103 Rejection Based Upon EP '130 in view of ELLIS

At least for the following reasons, Applicants request that the rejection of claims 1 and 5-14, based upon EP '130 in view of ELLIS, be withdrawn.

In the rejection, EP '130 is cited for the purpose of showing a board having upper and lower half-shells connected by means of a vertically disposed partition 20. The partition 20 (referred to as a "wall" by EP '130), as well as the shell 12 and wall 24, is comprised of a honeycomb sandwich structure (column 5, lines 18-22 of EP '130). The partition 20 is intended to *strengthen* the board. The text of EP '130 describes the structure as "providing a high strength to weight ratio."

In the rejection, EP '130 is acknowledged as failing to disclose the partition 20 "being made of foam," as is specified at the end of Applicants' claim 1. Therefore, ELLIS is relied upon for a suggestion that the cells of the honeycomb structure of EP '130 could be filled with "hardened granular foam material."

Accordingly, when EP '130 and ELLIS are combined, one is left with a rigid, strengthened partition. In fact, consistent with the desire of EP '130 for rigidity, an additional option is provided in column 6, lines 52-56 thereof, in which inflatable bladders are used inside the board.

In any event, the foam of ELLIS, and the foam that would be a part of the EP '130 + ELLIS combination, is not a main constituent of a longitudinal partition. Instead, the foam granules are divided in separated, individual cells, *i.e.*, the cells formed by the honeycomb structure. In fact, it is only the honeycomb structure that exhibits any continuity of matter along the height or width of the partition.

1. "Consisting Essentially Of"

In contrast to the disclosure of ELLIS and that of the combination of EP '130 and ELLIS, in the invention of Applicants' claim 1, it is the foam material that is the main constituent of the claimed longitudinal partition.

In this regard, therefore, Applicants have amended claim 1 to specify the longitudinal partition as "consisting essentially of foam."

a. Not New Matter

In original paragraph 0039 of the specification of the instant application, Applicants present two alternatives for the longitudinal partition(s) of the aquatic board of the invention, *i.e.*, one in which the foam material is bordered by fiber-strengthened resin layers 13, 14, and one in which the layers 13, 14 are omitted. This latter embodiment is depicted in Fig. 14, for example.

Because Applicants have disclosed an embodiment in which the longitudinal partition(s) is(are) made *only* of a foam material, Applicants submit that a claim declaring the partition(s) to *consist essentially of* foam is not believed to introduce prohibited new matter. That is, that embodiment could be characterized as *comprising* foam, *consisting of* foam, as well as *consisting essentially of* foam.

b. Not Indefinite

The meaning of the transitional phrase "consisting essentially of" is well-recognized in patent law. In fact, Section 2111.04 of the Manual of Patent Examining Procedure (MPEP, Rev. 2, May 2004) includes a detailed account of the differences among various transitional phrases.

Further, for a relevant discussion of issues relating to the transitional phrase "consisting essentially of" in the context of the construction of patent claims, attention is directed to *AFG Industries, Inc. v. Cardinal IG Co.*, 239 F.3d 1239, 1245, 57 USPQ2d 1776, 1780-81 (Fed. Cir. 2001).

Consistent with the accepted meaning of the transitional phrase "consisting essentially of," claim 1, as amended above, is intended to encompass aquatic boards that include longitudinal partition(s) in which the foam material itself is the only material *structural* component. To the extent then, that any additional component of a longitudinal partition of an aquatic board would include a component that would materially provide support for the weight of a user during the use of the board, such aquatic board would be outside the scope of the invention. For example, to the extent that layers 13, 14 would be structural layers like the inner shell 7 or 10, *e.g.*, such embodiment would not be encompassed by the invention of claim 1.

For this reason, then, Applicants have introduced the transitional phrase "consisting essentially of" for describing the foam material of which the partition is comprised. Applicants have chosen the phrase "consisting essentially of" rather than "consisting of" so as not to prohibit coatings of adhesive, connection(s) between the partition(s) and the deck and hull (or upper half-shell and lower half-shell), and/or other non-structural components that one might otherwise regard as part of a partition.

For example, in paragraph 0028 of the specification of the instant application, Applicants describe a foam casing of the board (*i.e.*, the casing; not a partition) can be constructed of a plurality of foam sheets glued together. Such a glue layer, if used

to connect a pair of adjacent foam sheets to construct a longitudinal partition between the deck and hull of a gliding board, would not be considered a material structural component, *i.e.*, it would not itself materially participate in supporting the deck of the board and, therefore, the presence of such glue layer would not place such a board outside the scope of claim 1.

c. **Assists in Providing Patentable Distinction Over Cited References**

The rejection of claims 1 and 5-14 relies upon an aquatic board having a partition with a constructional component, *i.e.*, in both EP '130 and ELLIS, in the form of a honeycomb structure, which contrasts with Applicants' claimed limitation in claim 1 by which the partition consists essentially of a foam material.

At least in view of the foregoing, reconsideration and withdrawal of the rejection of claims 1 and 5-14 is requested.

2. **Partition Made of Polypropylene Foam**

In dependent claims 9-13, instead of specifying the foam of the partition of the aquatic board of the invention to be *elastic*, Applicants specify that the partition is made of "polypropylene foam." In paragraphs 0067-0069 of the specification of the instant application, Applicants describe polypropylene foam as permitting the deflection of the upper half-shell of the board and as a foam that is not too rigid. Of course, the granular foam of ELLIS is used *only* for its rigidity. In this regard, column 2, lines 16-21, ELLIS explains that "the cells 18 of the honeycomb panel may be filled with ... a large number of hardened granular foam material 22, see FIG. 5, for increasing the strength in any weaker parts of the surf-board."

Therefore, Applicants submit that one skilled in the art would not have considered using a polypropylene foam, specified in Applicants' claim 9, in place of ELLIS's hardened granular foam material inasmuch as harder, more rigid foams are available for strengthening the honeycomb structure of the surfboard of EP '130.

Applicants are even more specific in the limitation regarding foam material in their claims 10-13, which specify "an expanded polypropylene particle foam having a density of approximately 60 kg/m^3. Applicants provide a summary of characteristics of such foam in their paragraph 0068.

For these additional reasons, reconsideration and withdrawal of the rejection of claims 9-13 is requested.

3. MPEP §2133.01

Lastly, on page 8, lines 4-5 of the Office action, is the statement "With regard to claim 1, the claims depending therefrom and Itnyre et al., note MPEP 2133.01."

Applicants have noted the MPEP §2133.01, which is a short section explaining that claims of a continuation-in-part application (c-i-p) which are not supported by the parent application have, as an effective filing date, the filing date of the c-i-p application.

Perhaps the reference on page 8, lines 4-5 of the Office action was intended to refer to Applicants' claim 15, because claim 1 and many claims depending therefrom are fully supported by the disclosure of the parent application.

C. **Withdrawal of §103 Rejection Based Upon EP '130 in view of ELLIS and MASTERS**

At least for the following reasons, Applicants request that the rejection of claim 3, based upon EP '130 in view of ELLIS and MASTERS, be withdrawn.

Claim 3 specifies that the partition is made of an *elastic* foam that provides the upper half-shell of the aquatic board with the ability to deflect relative to the lower half-shell under pressure exerted by a foot of the user.

For the purpose of rejecting claim 3, the Office action further relies upon MASTERS to modify the EP '130 + ELLIS combination. Specifically, the rejection relies upon the assertion that it would have been obvious to have used an *elastic* foam B on either side of the partition 20 of EP '130 (which, according to the rejection of parent claim 1, includes a honeycomb structure filled with *hardened granular* foam of ELLIS).

The motivation cited in the rejection for using the teachings of MASTERS appears in column 3, lines 5-10 of MASTERS. Applicants respectfully traverse the rejection, particularly with reference to the asserted motivation.

MASTERS uses foam B to laminate either side of the thin web member A for the purpose of countering any tendency of the thin web member A to warp or buckle as the thin web member A flexes in the pitch direction 26. Applicants submit that there would have been no reason to have suspected that the honeycomb structure of the

EP '130 + ELLIS combination, filled with hardened granular foam, would tend to warp or buckle. Accordingly, one skilled in the art would not have been motivated to utilize the teachings of MASTERS to modify the EP '130 + ELLIS combination in the way would have suggested in the rejection.

Still further, even if one were to place an *elastic* foam on either side of a *strengthen, rigid* partition, the elastic foam would not provide the upper half-shell/deck of the board of the EP '130 + ELLIS combination with the ability to deflect relative to the lower half-shell/hull under pressure exerted by a foot of the user, as is recited in claim 3, as amended.

Finally, Applicants notice that the MASTERS patent is directed to the construction of a kayak, by which the user sits on top of the lower half-shell thereof, whereas Applicants' invention is directed to an aquatic board that supports a standing person on the upper half-shell/deck. Applicants submit that it would not have been obvious to one skilled in the art to combine the knowledge relating to a kayak to knowledge relating to a "standing board" (*i.e.*, surfboard, sailboard, etc.), knowing that the partition in the latter have a considerable importance in helping the board's upper shell resist considerable forces exerted by the user.

At least in view of the foregoing, reconsideration and withdrawal of the rejection of claim 3 is requested.

D. **Withdrawal of §103 Rejection Based Upon EP '130 in view of ELLIS, WOJCIK, and MASTERS**

At least for the following reasons, Applicants request that the rejection of claims 2 and 4, based upon EP '130 in view of ELLIS, WOJCIK, and MASTERS, be withdrawn.

Claim 2 specifies that there are a *plurality* of partitions and the foam of the partitions is "exposed to an inner cavity of the board."

To reject claim 2, the Office action further combines the EP '130/ELLIS combination with WOJCIK, which shows a *plurality* of partitions in Fig. 20, and MASTERS, which uses a *foam* B inside the hull of a kayak.

Further, claim 4, which depends from claim 2, specifies that the foam of the partitions is an *elastic* foam.

Like claim 3, claim 4 has been amended above to specify that the elastic foam provides the upper half-shell with the ability to deflect relative to the lower half-shell under pressure exerted by a foot of the user.

For reasons given above with respect to the rejection of claim 3, Applicants submit that even if MASTERS were relied upon, *i.e.*, even without regard to WOJCIK, Applicants' claimed invention would not result. The strengthened rigid partition of the EP '130 + ELLIS combination would not allow the upper half-shell/deck to deflect relative to the lower half-shell/hull even if an elastic foam were to be laminated on the sides of a plurality of longitudinal partitions.

At least in view of the foregoing, reconsideration and withdrawal of the rejection of claims 2 and 4 is requested.

E. **Withdrawal of §103 Rejections Based Upon ITNYRE in view of ELLIS, and ITNYRE in view of ELLIS and MASTERS**

At least for the following reasons, Applicants request (1) that the rejection based upon ITNYRE in view of ELLIS be withdrawn, and (2) that the rejection based upon the combination of ITNYRE, ELLIS, and MASTERS be withdrawn.

Initially, Applicants direct attention to the fact that the subject matter of claim 17 has been incorporated into independent claim 15 and, at least for this reason, the rejection based merely upon the combination of ITNYRE and ELLIS (*i.e.*, without MASTERS) should be withdrawn.

Independent claim 15 is directed to an aquatic board in which Applicants call for at least one partition to comprise "a polymeric foam material having a compressible elasticity or viscoelasticity to provide said deck with an ability to deflect downwardly under pressure exerted by a foot of a user on said deck relative to said hull and to cause said deck to recover from said deflection upon cessation of said pressure exerted by the foot" (underlining words having been added by amendment above).

In paragraph 0039, which includes subject matter from the parent application, Applicants explain that the partition(s) of the aquatic board of the invention can be constructed without the fiber-strengthened resin layers 13, 14 and, in such a case,

the foam of which the partition(s) is(are) made provide the support of the weight of the user.

Among the types of foam materials that are usable for the partition(s) are those that are regarded as *elastic*. In the invention, such elastic foams enable the user, such as a surfer on a surfboard, to benefit from a downward deflection of the top of the board, *viz.*, the upper half-shell or deck, relative to the lower half-shell or hull, thereby giving the board an increased liveliness, as mentioned in paragraphs 0015 and 0063-0065 of the specification of the instant application.

1. **Deck of ITNYRE's Board Not Disclosed to Deflect Relative to the Hull**

Lines 5 and 6 from the bottom of page 6 of the Office action state that the gliding board of ITNYRE has a "partition comprising a material 65, 66 having an elasticity to allow said deck to deflect under pressure of a foot of a surfer relative to said hull."

There is no explicit teaching of this characteristic of ITNYRE's board.

Regardless of the foregoing, however, Applicants' independent claim 15 calls for a polymeric elastic foam of the partition (*i.e.*, *not* a thin vibration dampener above or below the partition) as providing the deck of their board the ability to deflect relative to the hull and to cause the deck to recover when the pressure that had been exerted by the foot has ended.

Page 7, line 5 of the Office action states that "The polymeric foam of claim 16 is 19 of Itnyre et al." Element 19 of ITNYRE is a polyurethane foam (column 2, line

61). Polyurethane foams are characteristically rigid, which would appear consistent with ITNYRE's disclosure, inasmuch as the above-mentioned dampening layers 65, 66 are provided above and below the partition (*i.e.*, stringer) 14 in addition to the polyurethane 19 (or 61; see column 4, line 7).

Still further in this regard, the Office action admits, on page 8 (in the rejection of claim 17), *"Itnyre et al. does not disclose foam 19 as being an elastic foam."*

Accordingly, in the rejection of claim 17, the Office action additionally relies upon MASTERS and posits that it would have been obvious to have made the foam 19 of ITNYRE elastic, as allegedly taught by MASTERS.

Applicants respectfully disagree.

Before discussing the teachings of MASTERS and its inapplicability to the disclosure of ITNYRE (or the combination of ITNYRE and ELLIS), Applicants direct attention to the difference between the ability of the deck of Applicants' invention to deflect relative to the hull and the flexibility of an aquatic board, such as that disclosed by ITNYRE, for example.

In several portions of ITNYRE's text mention is made of the flexing of a surfboard. The first sentence of the Brief Summary of the Invention (column 1, lines 42-44), *e.g.*, states that "It is an object of the present invention to make a hollow surfboard which will flex in an amount and at locations desired by surfers."

Such flexing relates to the front and rear of the surfboard of ITNYRE to flex relative to other portions of the surfboard; the flexing does not relate to a deflection

of the deck relative to the hull. For example, in column 1, lines 54-57, ITNYRE states that "The core does not extend either to a nose or a tail of the surfboard so that the nose and tail are more flexible than that portion of the surfboard containing an elongated stringer."

Further, in column 3, lines 31-46, ITNYRE explains that the stringer 14 does not extend the full length of the board and that the distance between the ends of the board and the ends of the stringer affect the flexibility of the nose and tail. In addition, the thickness of the stringer and the "fabric" from which the stringer is made can have an affect of the flexibility of the surfboard of ITNYRE.

However, ITNYRE does not teach or suggest providing an aquatic board in which the stringer, *i.e.*, partition, can include a polymeric *elastic foam* that has a *compressible* elasticity or viscoelasticity so that the deck can deflect relative to the hull.

As mentioned above, the polyurethane foam 19 (or 61) used by ITNYRE would be characteristically rigid. Further, the use of polyurethane foam by ITNYRE is that of an adhesive component. See, in this regard, column 2, lines 11-15, and column 4, lines 10-13, of ITNYRE.

2. Nonobvious to Modify a Portion of ITNYRE's Board with MASTERS to Result in Applicants' Invention

In view of the aforementioned deficiency of ITNYRE, reliance on MASTERS is made (in the rejection of dependent claim 17, the subject matter of which now appears in claim 15, together with additional amendments thereto).

Specifically, the Office action advances the argument (near the middle of page 8 thereof) that it would have been obvious to have used elastic foam B of MASTERS in place of the polyurethane foam 19 of ITNYRE. The motivation offered for the modification "is to further aid vibration reduction."

Applicants respectfully disagree.

First, there is no reason evident in ITNYRE's disclosure that vibration reduction additional to that provided by the two layers 65, 66 is necessary. Further, it would appear that the material and/or dimensions of layers 65, 66, or a replacement of the layers 65, 66, would more likely be made rather than to change element 19. As mentioned above, element 19 (and 61) has a specific role that would not necessarily be retained if the polyurethane material were to be replaced.

Second, the use of foam B of MASTERS is quite different from the use to which it would be put in the combination of ITNYRE, ELLIS, and MASTERS, which forms the basis of the rejection. That is, in MASTERS, a thin web member A is used as a "stringer" (*i.e.*, bow and stern "frame members" 20, 22) which is sufficiently *rigid* to resist bending moments in the "pitch direction" 26 (see Fig. 2 of MASTERS). As explained in column 4, lines 5-22, due to the thinness of the web member A, the web member has no dimensional stability in the lateral direction. Therefore, the foam blocks B (or D) "*provide this rigidity* without going beyond a prescribed weight limit which would alter hull performance."

Therefore, rather than teaching or suggesting the use of a foam beneath, or even above, a stringer, like the rigid polyurethane foam of ITNYRE, MASTERS teaches

the use of a foam on either side of the stringer to increase the rigidity of the stringer. One skilled in the art would not be taught Applicants' invention of claim 15 unless he were to have had prior knowledge of Applicants' invention.

Third, the disclosure of MASTERS is specific to the art of kayaks. As is evident from Figs. 1 and 2, the user of such kayak sits on the lower half-shell or hull of the boat, and the upper half-shell and the partition do not withstand any substantial weight, such as the standing weight of the user, as would be occasioned by the invention of Applicants, whether such board would be a surfboard, sailboard or other such board in which the user stands as the board is used.

Therefore, Applicants submit, one skilled in the art of "standing boards" would not necessarily look to the art of kayaks, knowing that in "standing boards" the partition(s) has(have) a considerable importance in helping the board's upper shell/deck to resist the considerable forces exerted by the user.

3. Partition Comprises Expanded Polypropylene Foam

In the claimed inventions of dependent claims 18, 19, 21, 22, 24, 25, 27, and 28, the material of which the partition is comprised is limited similarly to that discussed above in connection with dependent claims 9-13, *i.e.*, the polymeric elastic foam of claim 15 is further described in these claims as being made of a polypropylene foam and an expanded polypropylene foam.

As mentioned above, in paragraphs 0067-0069 of the specification of the instant application, Applicants describe polypropylene foam as permitting the deflection of the upper half-shell of the board and as a foam that is not too rigid.

Applicants submit that one skilled in the art would not have considered using a polypropylene foam, specified in Applicants' claims, for the partition inside of an aquatic board. None of the cited references teach or suggest same.

F. **New Claims 29-52**

In the amendment above, new claims 29-52 have been added, of which claims 46 and 50 are independent. Certain ones of the new claims depend from the original claims. Before discussing the details of certain ones of the dependent claims, Applicants will summarize the two independent claims.

1. **New Independent Claim 46**

New independent claim 46 is directed to an aquatic gliding board that includes a deck, a hull, and at least one longitudinal partition "consisting essentially of a foam material," the partition extending between the deck and the hull along at least a portion of the length of the inner cavity between the deck and hull to support the deck relative to the hull; the claim further specifies that it is the foam material of the partition that allows the deck to deflect downwardly relative to the hull under pressure exerted by a foot of a user on the deck.

Applicants respectfully submit that an aquatic board as defined in claim 46 is neither taught nor suggested by the references of record. All of the stringers/partitions disclosed in the documents relied upon in the rejections, for example, utilize some structural configuration for supporting the board other than a foam material.

Further, it is Applicants' disclosure rather than any of the documents of record, which describes the deflection of the upper half-shell/deck relative to the lower half-shell/hull; moreover, it is the foam of the partition of Applicants' board which allows such deflection.

2. **New Independent Claim 50**

New independent claim 50 is directed to an aquatic gliding board that includes a deck, a hull, and at least one longitudinal partition that comprises a polymeric foam material extending along substantially the height of the inner cavity from the deck to the hull, the foam material being compressible under a force exerted on the deck by the foot of the standing person.

Still further, claim 50 specifies that the longitudinal partition further comprises *"no additional structural element extending along at least a majority of said height of said inner cavity."* This latter limitation is intended to specifically address the issue of a rigid stringer/partition, like the internal support wall 20 of EP '130, the stringer 14 of ITNYRE, and the web member A of MASTERS. That is, claim 50 specifically limits the invention thereof to a partition in which there are no such structural elements. Thus, it is the compressible foam material of the invention which provides for the ability of the deck to deflect and not a rigid partition that has a dampener or other material beneath, above, or along side it.

3. New Dependent Claims

New claims 29 and 30, depending from independent claims 1 and 15, respectively, specifically state that the partition does not include a honeycomb structure, as does EP '130.

New dependent claims 31, 32, 33, and 35 refer to the foam of the longitudinal partition (claims 32 and 35 referring to *all* of the foam of the longitudinal partition) being continuous along the height and width (or merely the height, in claim 15) of the foam, in contrast to foam that might be placed within cells of a honeycomb structure or foam that borders another structural component.

Claim 34, which depends from independent claim 15, like independent claims 1 and 46, refers to the longitudinal partition(s) to "consist essentially of foam."

Claim 36 depends from independent claim 1 and is specific to the foam of the partition comprising a material "having a compressible elasticity or viscoelasticity to allow said upper half-shell to deflect downwardly, relative to said lower half-shell, under pressure exerted by a foot of a user on said upper half-shell and to cause said upper half-shell to recover upwardly upon cessation of said pressure exerted by the foot." That is, in contrast to the flexibility of the board as a whole, claim 36 is directed specifically to the downward deflection, and recovering, of the deck relative to the hull of the board.

Claim 37 is specific to an embodiment of the board of the invention in which the hull has no lateral side walls, thereby providing manufacturing advantages.

Claim 38 is specific to the foam material of the deck, *viz.*, a polyurethane foam or a polyetherimide foam.

Claim 39 is specific to the foam material of the deck being a polystyrene foam.

Claim 40 is specific to the foam material of the partition being a polypropylene foam.

Claim 41 is more specific, describing the foam material of the partition as being an expanded polypropylene foam.

Claims 42 and 43 depend from independent claims 1 and 15, respectively, and further specify that the upper half-shell further comprises a honeycomb structure in an area thereof which is adapted to support a user's feet.

Claims 44, 45, 48, and 52 depend from independent claims 1, 15, 46, and 50, respectively, and further specify that the upper half-shell is not symmetrical with respect to said lower half-shell.

Claims 47 and 51 depend from independent claims 46 and 50, respectively, and further specify that the longitudinal partition extends along at least about 70% of the length of the inner cavity.

Finally, claim 49 depends from independent claim 46 and recites specific limitations whereby the partition of the aquatic board comprises a polymeric elastic or viscoelastic compressible foam material providing the deck with an ability to deflect downwardly relative to the hull by compressing under pressure exerted by a foot of a user on the deck, as well as the ability to recover the initial shape of the board upon cessation of the pressure of the foot of the user.

SUMMARY AND CONCLUSION

The grounds of rejection advanced in the Office action have been addressed and are believed to be overcome. Reconsideration and allowance are respectfully requested in view of the amendment and remarks above.

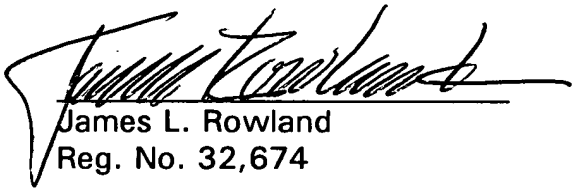
A check is enclosed for payment of a claim fee and a fee for an extension of time. No additional fee is believed to be due at this time. However, the Commissioner is authorized to charge any fee required for acceptance of this reply as timely and complete to Deposit Account No. 19-0089.

Further, although an extension of time for two months is believed to be necessary at this time, if it were to be found that an additional extension of time were necessary to render this reply timely and/or complete, Applicants request an extension of time under 37 CFR §1.136(a) in the necessary increment(s) of month(s) to render

this reply timely and/or complete and the Commissioner is authorized to charge any necessary extension of time fee under 37 CFR §1.17 to Deposit Account No. 19-0089.

Any comments or questions concerning this application can be directed to the undersigned at the telephone or fax number given below.

Respectfully submitted,
Philippe RENARD et al.



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